

organizations. I urge the Chairman of the Judiciary Committee, my good friend Senator LEAHY, to schedule a hearing soon for Mr. Walters. Once the top positions at both the DEA and ONDCP have been filled, we can all begin to work together to effect real change that will benefit all Americans.

Mr. SESSIONS. Madam President, I rise to make some remarks about ASA HUTCHINSON. I had the pleasure of serving with him as U.S. attorney. We met at a conference. I remember having breakfast with him. We had never met before. I learned something about him, his character and his commitment to public service.

He is going to be one of the finest DEA leaders we have ever had. He served on the House Judiciary Committee. I worked with him on that committee, since I have been on the Senate Judiciary Committee. During that time, I came to respect him terrifically.

During the impeachment hearings, he had the burden of stating the case, basically the factual allegations involved, as one of the House managers. In my view, as a prosecutor of over 16 years, his was the most comprehensive, most intelligent, most valuable statement that occurred during that entire hearing. If anybody would like to know what the facts were and what the allegations were in that impeachment hearing, they should read his summary of the facts. It did exactly what he was required to do: faithfully and fairly and honestly state the allegations that were there and the facts that backed them up. It was comprehensive, honest, and complete. I respected him for it.

His brother TIM, of course, serves in this body. I serve with him on two committees. I respect TIM terrifically. They are both men of integrity, deep personal faith, and a commitment to public service that is remarkable.

ASA HUTCHINSON will reflect well on President Bush as his nominee. I think he will do an outstanding job. I look forward to working with him, and I know he will effectively turn the tide against increasing drug use in America.

Finally, let me say, with regard to the FBI and the DEA, now we have seen two of the finest nominees you can expect to have in Bob Mueller, a professional's professional, a man who has received prominence in both Democrat and Republican administrations, as the head of the FBI, and ASA HUTCHINSON at DEA, a man of commitment and integrity and ability to head that important organization.

I am excited for both of them. I believe the President has done a good job. I think America will be served well by their efforts.

Mr. LEAHY. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) is necessarily absent.

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NAYS—1

Dayton

NOT VOTING—1

McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. McCain. Madam President, I ask unanimous consent that on the vote regarding the nomination of ASA HUTCHINSON to be the Administrator of the Drug Enforcement Agency, that if I were present, I be recorded as having voted "yea."

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the Boxer amendment—which will be immediately—regarding arsenic, that there be 60 minutes for debate, with the time equally divided and controlled between Senators Boxer

and Bond or their designees, with no second-degree amendments in order thereto, that upon the use or yielding back of time, the Senate, without intervening action or debate, proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I will not object, would the distinguished leader be willing to amend that to allow me to speak before that for 4 minutes on judicial nominations?

Mr. REID. I will be happy to amend that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked me to announce to everyone that he wants to finish this bill tonight. We have exchanged lists with the minority. Hopefully, by the time we finish this next debate, we will be in a posture to lock in whatever amendments are in order and move forward on this bill.

As everyone knows, there are a lot of people interested in the Agriculture bill. That has been around for a day or two. So Senator DASCHLE wanted me to state that he wants to do everything he can to finish this bill tonight. We hope people will understand there will be some votes throughout the evening.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senate for moving expeditiously on the Hutchinson nomination. I note that on Monday and Tuesday of this week the Judiciary Committee followed through on its confirmation hearing for Robert Mueller III, the President's nominee to be Director of the Federal Bureau of Investigation. I mention this because this was the fifth confirmation hearing the Judiciary Committee held in July for judicial and executive branch nominees, which is pretty good because we were not allowed, under the reorganization, to have Members assigned to our committee until July 10.

In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana "in a very expeditious fashion." It was gracious of Senator HUTCHINSON to offer his thanks for our scheduling the confirmation hearing of ASA HUTCHINSON to be head of the DEA "so expeditiously" after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for "holding a prompt hearing." It was gratifying when Senator COCHRAN noted that he was "very pleased with the dispatch" with which we held a

hearing on the nomination of Jim Ziglar to head the INS. And this week, Mr. Mueller thanked us for holding his hearing as quickly as we did.

With respect to executive branch nominees, considering the fact that the committee has only been able to hold hearings for 3 weeks, our work period has been outstanding. We held back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service 2 weeks ago, and 2 days of hearings on the nominee to head the FBI this week. In addition, we have held hearings on the Assistant Attorney General to head the Tax Division, the Assistant Attorney General to head the Office of Justice Programs, and the Director of the National Institute of Justice—all in July.

We would have done more if we had been allowed to do this, of course, during the month of June. So the Senate has considered and confirmed the Attorney General, the Deputy Attorney General, the Solicitor General, the Assistant Attorney General in charge of the Criminal Division, the Assistant Attorney General in charge of the Civil Rights Division, the Assistant Attorney General in charge of the Antitrust Division, the Assistant Attorney General in charge of the Office of Legislative Affairs, the Assistant Attorney General in charge of Policy Development, and other key officials within the Department of Justice, as well as the Commissioner of the INS and, today, the Administrator of the Drug Enforcement Administration.

I hope we can move very quickly on the Director of the FBI.

We have not received the nomination yet for the No. 3 job at the Department of Justice, the Associate Attorney General. We have not yet received the nomination of someone to head the U.S. Marshals Service. Even though we are about to go into an August recess, we have not received a single nomination for any of the 94 U.S. marshals who serve in districts within our States. We have only received a handful of nominations for the 93 U.S. attorney positions that are in districts within our States.

So there is a lot to be done. And it will be done if we work together, and not if we have people come and give statements on the floor, or elsewhere, that are not factual because, unfortunately, as somebody once said, those pesky little facts get in the way. And these are the facts. There is no time, in the 25 years I have been in the Senate Judiciary Committee, that I have seen so many nominees move in a 3-week period in the middle of the year.

Madam President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. There is an order for the recognition of the Senator from California at this time.

The Senator from California.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1214

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. NELSON of Florida, and Mr. BIDEN, proposes an amendment numbered 1219 to amendment No. 1214.

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have an amendment now pending before the Senate. I am very proud of this amendment. I have offered it on behalf of myself and Senator NELSON of Florida, and Senator BIDEN, and many other Senators who are very supportive of this amendment.

The reason I had the clerk read the amendment in its entirety is because it is written in plain English and is very straightforward.

Essentially it says that the Administrator for the Environmental Protection Agency shall immediately put into effect a new standard, a new primary drinking water regulation for arsenic that will, in essence, protect our people from arsenic in their drinking water. The second part says that we will lift the suspension on the effective date for the community right-to-know mailers that were supposed to go out, letting people know how much arsenic is in their water.

I hope all of us will agree, people have a right to know that.

I want to talk a little bit about how this amendment came to be today, how we got on this road. Frankly, we should not be here. In the last administration, they set a new level for arsenic in water at 10 parts per billion. It was going to go into effect, and then this administration suspended it.

What we are doing in our amendment today is not even saying go back to 10. I certainly hope they go to 5. But not-

withstanding that, we just say: Put a new standard in place because the standard that is in place, as I talk to you tonight, is 50 parts per billion. We need to move this forward.

Let me explain why this happened. I know I have 30 minutes. Will the Chair let me know when I have gone on for 15?

I thank the Chair.

What we see on this green chart is what this Senate passed last year in this very same bill. It said: The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001. What happened? It didn't happen. They repealed the Clinton standard and went back to the 50 parts per billion standard which everyone agrees is way too high to drink our water in a safe fashion. This date slipped.

In essence, we have a situation where the Congress said to the President: You shall do this. The President signed this. This was President Clinton. This was the law of the land. And yet the date slipped.

I want to get into the reasons why this is so important, beyond the fact that we have gone back to the old standard and the President, in my view, did not have the right to do that.

This is a chart I actually got from the House side where the House has passed a very strong arsenic amendment, even stronger than what we have before us. What you see on this chart is, the darker the red dot, the more arsenic in the water. You can see that there is virtually arsenic in almost all our States. There are some that are fortunate. They don't have it. But there is a huge amount of arsenic around the country.

Why is this important? I know intuitively people would say arsenic is bad. We know that intuitively. But it is more than intuition. It is science. It is lots and lots of science. I want to put that on the record tonight.

There is a Dartmouth study that came out in March of 2001: Arsenic Disrupts Critical Hormone Functions. That is what this study showed. It doesn't say "it may." It doesn't say "it might." It says it does. It disrupts critical hormone functions. What does this mean to us? It means increased risk of diabetes, increased risk of cardiovascular disease, increased risk of cancer.

When we throw up our hands and we say, did you ever believe how much diabetes there is, how much cancer there is, what are the answers? We are starting to get the answers. Science is giving us the answers. This is one of the answers.

Here is another one, another study, Chemical Research in Toxicology, an EPA study completed April 2001. They say: There is a direct link between arsenic and DNA damage. They didn't say there "may be." They didn't say "perhaps." They said there is. What does this mean to us? Increased risk of cancer, and no level of arsenic is completely safe.